IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 09.10.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM

and

The Hon'ble Mr. Justice S.TAMILVANAN

Habeas Corpus Petition No.823 of 2006
& M.P.No.1 of 2006

Govindan ... Petitioner

Vs.

1.The Station House Officer,
Mettupalayam Police Station,
Vazhudavoor road,
Pondicherry.

2.The Superintendent of Police(South)
Pondicherry.

3.The Inspector General of Police,
Pondicherry.

4.Kannan

5.Arumugam

6.Manikam

7.Kanakku .. Respondents

Petition under Article 226 of the Constitution of India for the issuance of a Writ of Habeas Corpus to direct respondents 1 to 3 to produce the petitioner's brother Pugazandi, who is illegally detained by respondents 4 to 7 before this Court and set him at liberty.

For Petitioner : Mr.K.S.Ilangovan
For Respondents 1 to 3 : Mr.T.Murugesan, G.P.(Pondicherry)
assisted by Mr.M.R.Thangavel, G.A.,
For 6th respondent : Mr.D.Gubendra Gunabalan

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O R D E R

(Order of the Court was made by P.SATHASIVAM,J.)

The petitioner, by name Govindan, has filed this petition seeking direction to respondents 1 to 3 to produce his brother Pugazandi, who is illegally detained by respondents 4 to 7, before this Court and set him at liberty.

2. The petitioner has also filed Miscellaneous Petition No.1 of 2006 seeking direction to the third respondent, the Inspector General of Police, Pondicherry, to direct the Police Station under his control to issue receipts for all complaints received by the Station House Officers of all Police Stations in his limit.

3. Heard the learned counsel for the petitioner, the learned Public Prosecutor, Pondicherry and the learned counsel appearing for the sixth respondent.

4. The Investigating Officer in Crime No.150/2006 of P.S. Mettupalayam has submitted a report highlighting the steps taken by him till this date. After narrating several events, the Officer has concluded that the materials collected/gathered show that the missing man/detenu viz., Pugazh @ Pugazhendi could have been murdered and there is ample evidence to show that he is not alive as on date. Among the information furnished, the following details from the Report are relevant, which reads as under:

> " I submit that the investigation reveals that there is material to suspect an act of homicide and the missing Pugazh @ Pugazhendi has been murdered and buried at Manaveli village and the body said to have been buried there could be that of the alleged missing individual.
> I further submit that on 03.10.2006 the medical team under the head of Tmt.Dr.Parasakthi and Thiru G.Venkatachalam, Tahsildar-cum-Executive Magistrate, SHO Vanoor PS., Tamil Nadu came to the spot along with their officials. The accused Ramu was taken under police custody, who took us to the spot, where he identified the place of burial and the same was exhumed in the presence of said officials. Exhumation and inquest were held on 03.10.2006 between 11.00 hrs and 13.30 hrs. During the exhumation some portion of bones, metal chain, burnt clothing ashes of the alleged Pugazhendi, blood stain like Thilak on a Murukkan tree were found in the spot and most of the bones except skull were noticed near the site and that too in a scattered manner. Tahsildar seized the same along with earth sand and control sand and photographing and videographing through the Police Photographer covered the entire process. Police sniffer dog namely Shyam also visited the scene. The

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recovered bones were handed over to the Medical Team of Chengalpet for PM examination and after that the same were handed over to us by Tahsildar-cum-Executive Magistrate of Vanoor, directing to hand over the same to the Honourable Court of Judicial Magistrate No.II, Pondicherry. Police custody of accused Ramu was also handed over to the Central Prison, Pondicherry through the Honourable Chief Judicial Magistrate, Pondy."

5. On going through the entire report of the Inspector of Police, 'D' Nagar Circle, Pondicherry, dated 09.10.2006, we are of the view that there is no reason to disbelieve the said information. On the other hand, we accept the said report. In view of the same, no further adjudication is required in this petition.

6. Coming to the relief prayed for in the miscellaneous petition No.1/2006, the learned Public Prosecutor, Pondicherry, has brought to our notice that receipts are being issued by all the Station House Officers then and there. In so far as the case on hand, the learned Public Prosecutor has brought to our notice that on receipt of the complaint, the copy of the First Information Report has been handed over to the complainant Govindan, the petitioner herein. He also produced the xerox copy of the FIR with an endorsement by the petitioner to show that he has received the copy of the FIR. In the light of the same, we are of the view that no direction is required as claimed in this miscellaneous petition.

7. In the light of what is stated above, the Habeas Corpus Petition is closed. M.P.No.1 of 2006 is dismissed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

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To

1.The Station House Officer, Mettupalayam Police Station, Vazhudavoor Road, Pondicherry.

2.The Superintendent of Police(South), Pondicherry.

3.The Inspector General of Police, Pondicherry.

4. The Public Prosecutor, High Court, Madras.

5. The Inspector of Police ,
'D' Nagar Circle, Pondicherry.

+ 1 CC To Mr. Senior Public Prosecutor, Advocate SR NO. 46832
+ 1 CC To Mr. K.S.Ilangovan, Advocate SR NO.46776
+ 1 CC To Mr. D.Gubendra Gunabalan, Advocate SR NO.46800

HCP. No.823 of 2006
09.10.2006

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